



General Assembly

January Session, 2009

Committee Bill No. 644

LCO No. 4619

04619SB00644JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT LIMITING FEES RELATED TO A FORECLOSURE BY SALE
ON RESIDENTIAL REAL PROPERTY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 49-25 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 When the court in any [such] proceeding under this chapter is of
4 the opinion that a foreclosure by sale should be decreed, [it] the court
5 shall, in its decree, appoint a person to make the sale and fix a day
6 therefor, and shall direct whether the property shall be sold as a whole
7 or in parcels, and how the sale shall be made and advertised. [; but, in]
8 When the court appoints a person to make such sale of residential real
9 property, the amount of fees charged by such person shall not exceed
10 one hundred dollars per hour.

11 (b) In all cases in which such sale is ordered, the court shall appoint
12 one disinterested appraiser who shall, under oath, appraise the
13 property to be sold and make return of the appraisal to the clerk of the
14 court. Upon motion of the owner of the equity of redemption, the court
15 shall appoint a second appraiser in its decree.

16 (c) If the plaintiff is the purchaser at sale, or if the property is
 17 redeemed at any time prior to the approval of the sale, or if for any
 18 reason the sale does not take place, the expense of the sale and
 19 appraisal or appraisals shall be paid by the plaintiff and be taxed with
 20 the costs of the case.

21 (d) If, after judgment has been rendered, the amount found to be
 22 due and for which foreclosure is decreed, together with the interest
 23 and the costs, is paid to the plaintiff before the sale, all further
 24 proceedings in the suit shall be stayed.

25 Sec. 2. Section 49-29 of the general statutes is repealed and the
 26 following is substituted in lieu thereof (*Effective October 1, 2009*):

27 The court shall order the judgment and costs of the plaintiff to be
 28 first paid out of the proceeds of such sale and shall allow, to such of
 29 the parties as receive the balance of such proceeds, the costs usually
 30 allowed to successful parties, which costs shall be paid in addition to
 31 their respective claims and in the same order. The costs with respect to
 32 a foreclosure by sale of residential real property shall not exceed the
 33 maximum fee set forth in subsection (a) of section 49-25, as amended
 34 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	49-25
Sec. 2	<i>October 1, 2009</i>	49-29

Statement of Purpose:

To limit the hourly rate a person may charge for expenses related to a foreclosure by sale on residential real property.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. CRISCO, 17th Dist.

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